

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:45 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Diana Monopoli, Deputy Clerk.

F045453 Modern Continental Construction Co., Inc. v. The Superior Court of Kern County; Alstom Power, Inc. et al.

Cause called and argued by Timothy L. Pierce, Esq., counsel for petitioner and by Gregory J. Dukellis, Esq., counsel for real party.

Submission deferred until November 29, 2004, or further order of the court for additional briefing.

At this point Dibiaso, Acting P.J., Buckley, J. and Dawson, J. leave the bench; they are replaced by Vartabedian, Acting P.J., Levy, J. and Cornell, J.

F045501 Gragnani v. The Superior Court of Merced County; Blas-B Corporation

Cause called and argued by Douglas V. Thornton, Esq., counsel for petitioner and by James M. Harris, Esq., counsel for real party.

Cause ordered submitted.

F045422 Glieberman et al. v. The Superior Court of Merced County; Blas-B Corporation

Cause called and argued by Douglas G. Benedon, Esq., counsel for petitioner and by James Harris, Esq., counsel for real party.

Cause ordered submitted.

Court recessed until Tuesday, November 9, 2004 at 1:30 P.M.

F046050 People v. Arambulo

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F042341 Jercich et al. v. Sunset Mortgage et al.

Respondent's petition for rehearing filed herein is denied.

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**F046311 Steve C. v. The Superior Court of Fresno County; Fresno County
Department of Children and Family Services**

Pursuant to the terms of this court's order of October 28, 2004, and the failure of any party to request oral argument, the oral argument date of November 23, 2004, is vacated.

This matter is deemed submitted on the date of this order.

F045777 People v. Xiong

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur shall issue forthwith.